

CHAPTER XXII

AFFIDAVITS AND STATUTORY DECLARATIONS

SOME little knowledge of affidavits and statutory declarations must be possessed by all solicitors' clerks, whatever branch of law they follow.

It may be as well to try and explain the difference between an affidavit and a declaration. An affidavit is more usually required for use in the Courts and a statutory declaration for use in other matters—such as conveyancing.

An affidavit has to be sworn to (save that a person objecting to being sworn and stating as a ground for such objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief can make his solemn affirmation instead of taking an oath). A statutory declaration on the other hand is a simple declaration by the declarant that the contents of the declaration are true.

No affidavit or declaration is evidence if there is any interlineation, alteration, or erasure unless the commissioner or other person before whom it is sworn has initialled the interlineation or alteration. In the case of an erasure, the words appearing to be written over the erasure should be re-written in the margin of the affidavit and signed by the commissioner for oaths. No alteration must be made in any affidavit after it has been sworn. If an alteration has to be made, the affidavit or

declaration
should be re-sworn or re-declared.
The form of affidavit should
commence: "I